

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
September 6, 2016

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, Joe Brown, Frank Colvett, Jr., Edmund H. Ford, Jr., Janis Fullilove, Reid Hedgepeth, Martavius Jones, Worth Morgan, Bill Morrison, Patrice Robinson, Philip Spinosa, Jr., Jamita Swearengen and Chairman Kemp Conrad.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Paul Reed, from New Friendship Missionary Baptist Church. Councilwoman Swearengen presented Pastor Reed with a certificate naming him Chaplain of the Day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of August 23, 2016 with the following motion:

MOTION: Ford
SECOND: Robinson
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison
Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED, as amended (Item#17- Ord.#5625- was reconsidered and Sent Back to Committee for September 20, 2016, without objection)

1. **RESOLUTION RECOGNIZING AND HONORING MOZIAH BRIDGES AS THE FOUNDER AND OWNER OF MO'S BOWS. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN SWEARENGEN.**

MOTION: Swearengen
SECOND: Brown

APPROVED, unanimous voice vote

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 263 MENDENHALL ROAD, CONTAINING 1.489 ACRES IN THE RESIDENTIAL (R-10) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING & DEVELOPMENT. (HELD FROM 8/23)**

Case No. PD 16-04

Chairman Conrad recognized the following people from the audience:

Margaret Martin, 266 Pinewood Street, Memphis, Tennessee, 38117
Ann C. Wieties, 302 Pinewood, Memphis, Tennessee, 38117
Ric Smith, 4960 Princeton Grove Cove, Memphis, Tennessee, 38117
Charlotte Edge Boggs, 257 Pinewood Street, Memphis, Tennessee, 38117

Applicant: JBJ Properties
Cindy Reaves – Representative

Request: To allow infill development permitting seven (7) lots on an approximately 1.5 acre parcel

LUCB and OPD recommendation: APPROVAL, with conditions

(Special Item #1 – Councilman Morgan made a motion stating that there will not be another development within 1500 feet of this development).

MOTION: Morgan
SECOND: Robinson
AYES: Brown, Colvett, Morgan and Morrison
NAYS: Boyd, Ford, Fullilove, Hedgepeth, Jones, Robinson, Spinosa, Swearengen and Chairman Conrad

(Special Item #1 – FAILED)

MAIN MOTION: Colvett
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Jones, Morgan, Morrison, Robinson, Swearengen and Chairman Conrad
NAYS: Hedgepeth and Spinosa

APPROVED, as amended

3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT 1145 KANSAS, (138.81' WEST OF THE WEST LINE OF KANSAS STREET), CONTAINING 305.33' X12' (3,644 SQ. FT.), IN THE VACANT, HEAVY INDUSTRIAL (IH) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 16-10

Applicant: Jones Industrial Electric, LLC
Parker, Estes & Associates, Inc. – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison,
Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED, as amended

4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT 1145 KANSAS, CONTAINING (305.33'X 12' (3,664 SQ. FT.) IN THE VACANT; HEAVY INDUSTRIAL (IH) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 16-11

Applicant: Jones Industrial Electric, LLC
Parker, Estes & Associates, Inc. – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison,
Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED AT 1203 POPLAR AVENUE, CONTAINING 176.5' X 12' (2,118 SQ. FT.) IN THE VACANT; RESIDENTIAL URBAN-3 (RU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 16-12

Applicant: City of Memphis' CHOICES Memphis Center for Reproductive Health
Peter Warren – Representative

Request: ROW Vacation

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett

SECOND: Boyd

AYES: Boyd, Brown, Colvett, Ford, Fullilove, Jones, Morgan, Morrison, Robinson,
Spinosa, Swearengen and Chairman Conrad
Hedgepeth did not cast a vote

APPROVED

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED WEST OF 611 N. MAIN STREET, CONTAINING 318.82' X 24.75' (7,817 SQ. FT.) IN THE HIGH DENSITY RESIDENTIAL (HDR) ZONING DISTRICT OF UPTOWN. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 16-13

Applicant: MLB-Uptown
SR Consulting-Cindy Reaves - Representative

Request: ROW Vacation

LUCB and OPD recommendation; APPROVAL, with conditions

MOTION: Colvett

SECOND: Boyd

AYES: Boyd, Brown, Colvett, Ford, Fullilove, Jones, Morrison, Robinson, Spinosa,
Swearengen and Chairman Conrad
Hedgepeth and Morgan did not cast a vote

APPROVED

19. **RESOLUTION ACCEPTING (4) SKYCOP CAMERA SOLUTIONS, COMPATIBLE WITH EXISTING MPD EQUIPMENT, TO BE INSTALLED AT 6450 POPLAR AVENUE AT THE REQUEST OF CROWN CENTRE, LLC, WHO GAVE THE NECESSARY FUNDS. THE ITEMS ARE BEING DONATED BY THE MEMPHIS/SHELBY COUNTY LAW ENFORCEMENT FOUNDATION. THE CUMULATIVE TOTAL DONATION IS \$32,850.00. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Morgan

SECOND: Boyd

AYES: Boyd, Brown, Colvett, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson,

Spinosa, Swearengen and Chairman Conrad
Ford did not cast a vote

APPROVED

20. **RESOLUTION ACCEPTING (1) SKYCOP CAMERA SOLUTIONS, COMPATIBLE WITH EXISTING MPD EQUIPMENT, TO BE INSTALLED ON GWYNNE ROAD AT THE REQUEST OF THE RESIDENTS OF GWYNNE ROAD, WHO GAVE THE NECESSARY FUNDS. THE ITEMS ARE BEING DONATED BY THE MEMPHIS/SHELBY COUNTY LAW ENFORCEMENT FOUNDATION. THE CUMULATIVE TOTAL DONATION IS \$7,336.37. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Morgan
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

21. **RESOLUTION TO ENABLE THE CITY OF MEMPHIS THROUGH THE DIVISION OF POLICE SERVICES TO ACCEPT, ALLOCATE, AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$32,216.00 FOR THE FY16 GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA (GC HIDTA) FROM SHELBY COUNTY SHERIFF'S OFFICE. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Morgan
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

22. **RESOLUTION TO EXTEND TITLE 6, CHAPTER 9, SECTION 7(18)(C) OF THE CITY OF MEMPHIS' EQUAL BUSINESS OPPORTUNITY ("EBO") PROGRAM ORDINANCE FROM SEPTEMBER 30, 2016 THROUGH OCTOBER 31, 2016. THIS RESOLUTION IS SPONSORED BY FINANCE DIVISION.**

MOTION: Boyd
SECOND: Spinosa
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

23. **RESOLUTION APPROPRIATING THE SUM OF \$5,462,000.00 FUNDED BY GO BONDS-GENERAL CHARGEABLE TO THE FY2017 CAPITAL IMPROVEMENT BUDGET FOR MHA FOOTE FUTURE HOPE VI (SOUTH CITY PROJECT), THIS RESOLUTION IS SPONSORED BY HOUSING & COMMUNITY DEVELOPMENT AND MEMPHIS HOUSING AUTHORITY DIVISION.**

MOTION: Brown
SECOND: Fullilove
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

24. **RESOLUTION TO REHABILITATE A SANITARY SEWER LIFT STATION WITH THE RESTORATION OF EXISTING PUMPS, FORCE MAIN CLEANING, VALVES, AND CERTAIN OTHER APPURTENANCES AT THE HARBOR AVENUE LIFT STATION, IN THE AMOUNT OF \$4,620,000.00. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

MOTION: Hedgepeth
SECOND: Ford
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

25. **RESOLUTION EXTENDING THE DELAY OF THE REMOVAL OF CITY'S TREE CREW FROM COLLINS YARD TO THE ASPHALT PLANT, FOR AN ADDITIONAL 60 DAYS. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN FULLILOVE.**

MOTION: Hedgepeth
SECOND: Fullilove
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad
Morgan did not cast a vote

APPROVED

26. **RESOLUTION TO ACCEPT FROM FISCAL AGENT GROWMEMPHIS, COMMUNITY GARDEN SUPPLIES, PURCHASED USING \$4,000.00 AWARDED FROM TENNESSEE RECREATION AND PARKS ASSOCIATION (TRPA), TO BUILD A COMMUNITY GARDEN AT TWO (2) COMMUNITY CENTERS BY THE FALL OF 2016. THIS RESOLUTION IS SPONSORED BY PARKS SERVICES.**

MOTION: Swearengen
SECOND: Fullilove
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison,

Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

CONSENT AGENDA – Items may be acted upon by one motion: SEE PAGE 3856 FOR ROLL CALL

7. **ORDINANCE TO AMEND CHAPTER 20 OF THE CITY OF MEMPHIS CODE OF ORDINANCES RELATIVE TO MISCELLANEOUS OFFENSES AND PROVISIONS BY ADDING SECTION 33 TO INSTITUTE A CIVIL PENALTY FOR THE KNOWING POSSESSION OR CASUAL EXCHANGE OF LESS THAN ONE HALF OUNCE OF MARIJUANA, UP FOR F I R S T READING. ORDINANCE 5626 IS SPONSORED BY COUNCILMAN BOYD AND COUNCILMAN JONES.**

APPROVED, on First reading

8. **ORDINANCE REZONING 3902 PRESCOTT ROAD AND REAR 1.138 ACRE-TRACT OF 3884 PRESCOTT ROAD, CONTAINING 6.138 ACRES IN THE R-8 DISTRICT, UP FOR F I R S T READING. THIS ORDINANCE IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. Z 16-03
Ordinance No. 5627

APPROVED, on First reading

9. A. **CASE NO. SUP 16-11**

Public Hearing Set for September 20, 2016

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Robinson
AYES: Boyd, Ford, Fullilove, Jones, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad
NAY: Colvett
Morgan abstained
Brown and Hedgepeth did not cast a vote

APPROVED

MLGW FISCAL CONSENT AGENDA – Items 10 – 17 may be acted upon by one motion:

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11535, PEST CONTROL, WITH NU ERA PEST CONTROL, IN THE FUNDED AMOUNT OF \$29,020.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM FOR THE PERIOD COVERING NOVEMBER 1, 2016 THROUGH OCTOBER 31, 2017, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR. IN ADDITION, THIS RENEWAL REFLECTS A 2.11% INCREASE IN THE VALUE OF THE CONTRACT DUE TO ADDING TERMITE INSPECTION/TREATMENT AT THE FOLLOWING LOCATIONS: 1) 1060 TUPELO (BUILDING NO. 3); 2) 8145 WOODSTOCK-CUBA ROAD; AND 3) 3941 GRANDVIEW - METER SHOP AREA.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11758, DAVIS-PAUL LOWRY BORE (PIDGEON WATER LOOP), WITH OWENS IRRIGATION, INCORPORATED, D/B/A OWENS CONSTRUCTION SERVICES OF TENNESSEE, IN THE FUNDED AMOUNT OF \$4,400.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT TO COVER THE COST OF ADDITIONAL RAILROAD PROTECTIVE LIABILITY INSURANCE REQUIRED BY MLGW AND CNR. THE INSURANCE WAS NOT INCLUDED IN THE BID SOLICITATION DOCUMENT OR THE CONTRACT BUT REQUIRED OF THE CONTRACTOR BY THE RAILROAD.)**

APPROVED

12. **RESOLUTION AWARDDING CONTRACT NO. 11853, INSTALLATION OF DISTRIBUTION PROCESS CONTROL SYSTEM AT SHAW PUMPING STATION, TO AMERICAN ELECTRICAL CONTRACTORS, INCORPORATED, IN THE FUNDED AMOUNT OF \$134,991.00.**

APPROVED

13. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FOR THE ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS, TO TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, IN THE AMOUNT OF \$124,054.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11507, ONLINE LEGAL RESEARCH, WITH LEXIS NEXIS, IN THE FUNDED AMOUNT OF \$13,398.00. (THE INITIAL TERM OF THE CONTRACT WAS FOR 60 MONTHS FROM THE DATE OF THE NOTICE TO PROCEED. THIS CHANGE IS TO EXTEND**

THE CURRENT CONTRACT FOR THREE MONTHS FOR THE PERIOD COVERING OCTOBER 1, 2016 THROUGH DECEMBER 31, 2016. THIS EXTENSION WILL ALLOW TIME FOR MLGW TO SOLICIT PROPOSALS FOR A NEW CONTRACT.

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11552, INFLUENZA VACCINE, WITH WELLNESS FIRST, INCORPORATED, IN THE FUNDED AMOUNT OF \$36,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM COVERING THE PERIOD OCTOBER 22, 2016 THROUGH OCTOBER 23, 2017, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11670, WORKERS' COMPENSATION BROKERING, WITH WILLIS OF TENNESSEE, INCORPORATED, IN THE ESTIMATED FUNDED AMOUNT OF \$402,670.00. (THIS IS THE SECOND RENEWAL OF A FIVE-YEAR CONTRACT. THE RENEWAL COVERS THE PERIOD OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017.)**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10813, HEWLETT PACKARD COMBINED SUPPORT AGREEMENT, WITH HEWLETT PACKARD, INCORPORATED, IN THE ESTIMATED FUNDED AMOUNT OF \$2,318,298.27. (THIS CHANGE IS TO RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSES, AND SUPPORT SERVICES COVERING THE PERIOD DECEMBER 1, 2016 THROUGH NOVEMBER 30, 2021. THIS RENEWAL REFLECTS A 1.04% INCREASE FROM THE PREVIOUS RENEWAL DUE TO MLGW ADDING ADDITIONAL HARDWARE AND SOFTWARE TO THE SUPPORT AGREEMENT IN YEARS TWO THROUGH FIVE. MAINTENANCE AND SUPPORT OF THIS HEWLETT-PACKARD HARDWARE AND SOFTWARE CAN ONLY BE PROVIDED BY HEWLETT PACKARD.)**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Robinson

SECOND: Ford

AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad

APPROVED

18. **RESOLUTION APPROVING A TRANSFER OF FUNDS TO EQUAL THE 2016 ANNUAL OPEB COST FROM THE MLGW COMMON FUND TO THE MLGW OPEB TRUST, IN THE ESTIMATED AMOUNT OF \$14,014,476.00. THIS RESOLUTION IS SPONSORED BY MLGW DIVISION.**

MOTION: Robinson
SECOND: Ford
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morrison, Robinson, Spinosa and Swearengen
NAY: Chairman Conrad
Morgan did not cast a vote

APPROVED

(Councilman Boyd made a motion to approve Same Night Minutes for Items #19, #20, #21, #22, #23, #24, #25 & #26 from tonight's meeting – Special Item #2).

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Colvett, Ford, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad
Fullilove, Hedgepeth and Jones did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Conrad recognized the following people who spoke from the audience:
Min. Suhkara A. Yahweh, 870 E. McLemore Avenue, Memphis, Tennessee, 38106
Walter Broady III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:52 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records